A HERITAGE CONSERVATION PRIMER

CONSERVING ARCHITECTURE AND HISTORY WITH THE ONTARIO HERITAGE ACT

The Ontario Ministry of Citizenship and Culture

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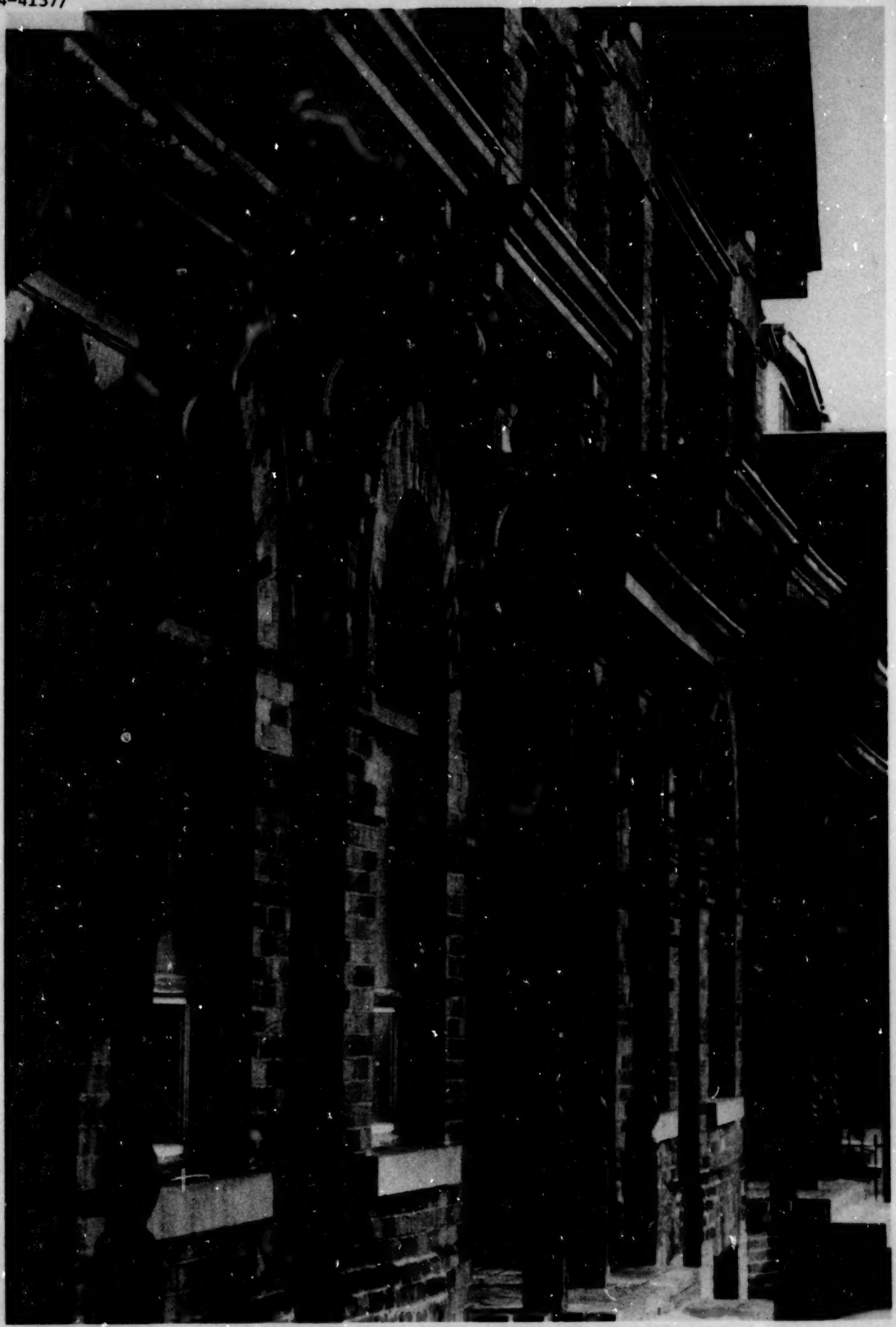


Recognizing our heritage

Our inheritance of architecture, man-made landscape and material culture is an irreplaceable asset and resource.

Communities everywhere have undertaken special efforts to safeguard their heritage in its many forms. The first step in its protection is to recognize it – to acknowledge the existence and value of our human heritage, and to make everyone aware of its importance. The possibilities are many. Books, signs, historical plaques, tour guides, postcards, works of art, and many other devices are used to advertise this heritage.

There is as well a means for translating this recognition into a more tangible form of protection for specific places that are important to the heritage of a community and of the province. The Ontario Heritage Act enables municipalities to designate properties of historic or architectural value or interest, individually or in groups.

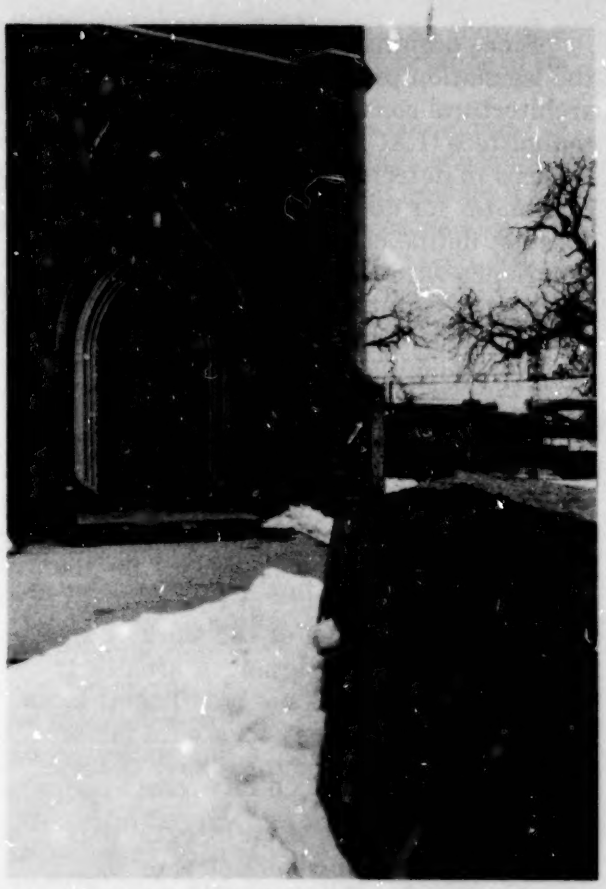
Once designated, a property gains a measure of protection from demolition or unsympathetic alteration. It also becomes eligible for financial assistance from local or provincial programs that aid heritage conservation. In the case of districts, the Act enables planning to protect the heritage of a district while permitting compatible new development. Designation also works hand in hand with the many other forms of recognition, some of which will be described here.

Every community in Ontario possesses a unique and special heritage that is as important to the province as a whole as it is to the community itself. The breadth, variety and quality of architecture and landscape is precious evidence of human history. Though it be in the custody of the community, even the most modest structure is important to the provincial heritage.

This brochure is a primer on the workings of the Ontario Heritage Act as it affects properties of historic or architectural value. For the most part, it applies to the designation of individual properties (under Part IV of the Ontario Heritage Act). The designation and planning of groups of buildings or properties (under Part V of the Act) is treated briefly under a separate heading. Inasmuch as they may affect the conservation of visible properties, some aspects of the conservation of archaeological resources (under Part VI of the Act) are treated under a separate heading as well.

In each case, the ministry offers more detailed publications that expand on the summary information contained in this brochure. Of course, the information herein, or in any other guide, does not substitute for the legislation itself.

The Ontario Heritage Act has been in place since 1974, and designated properties and districts are now found in every part of the province.



Opposite: Commonplace details of historic architecture display the craft, skill and pride of our predecessors. *(MW Fram)*

Above; Building and plaque return each other's compliments, rendering the inheritance more visible. *(MW Fram)*

The Ontario Heritage Act, R.S.O., 1980, c.337, is available from the Ontario Government Bookstore.

Information on ordering additional copies of this or any Government of Ontario publication may be found inside the back cover.

Evaluating heritage

Since designation is a municipal matter, the legislation provides for local architectural conservation advisory committees (LACACs) to assist municipal councils in determining the heritage value of candidates for designation. The Act itself does not define criteria for designation. But experience with the process, and with the qualities of Ontario's many historic environments, suggests that the following considerations should be kept in mind:

☐ A building or property may have been associated with the life of an historic personage or have played some role in an important historical event or episode.
☐ A building may be exemplary for the study of the architecture or construction of a specific period or area, or the work of an important builder, designer, or architect.
☐ Antiquity alone is not a sufficient basis for nomination, but may be a vital factor where comparable structures have become rare.
☐ Where a building is an integral part of a distinctive area of a community, or is considered to be a landmark, its contribution to the neighbourhood character may be of special value.
☐ A modest structure may be no less important to the community's heritage than an architectural gem such as a mansion or public building.
☐ The correspondence between the stated reasons for considering designation and the actual architectural and visual character of a property should be comprehensible to the community.
☐ A building, together with its site, should retain a large part of its integrity – its relation to its earlier state(s) – in the maintenance of its original or early materials and craftsmanship.
☐ Subjective factors such as personal memories, community attachments, or aesthetic tastes are not unimportant, but require balanced judgements.
☐ Specific architectural considerations should include style, plan, and the sequence of spaces; use of materials and details, including windows, doors, signs, ornaments, and so on; colors, textures, and lighting; and the relationships of all these to neighboring buildings.

In general, properties of historic or architectural value should be able, with suitable interpretation, to reveal some of the broad architectural, cultural, social, political, economic or military patterns of our history, or should have some association with specific events or people that have shaped the details of that history.

Above left: Architectural ornament may be valuable because it is rare, well crafted, impossible to reproduce, or simply beautiful. *(MW Fram)*

Above right: A distinctive and rare survivor of early Toronto, Scadding House may well be more important for its historic associations with a prominent early citizen than for its architecture, but it is the combination that makes it truly valuable. *(MCC Files)*

Opposite left: A power station at Niagara Falls has many heritage values, including its architecture, engineering, historical associations and dramatic location. *(MW Fram)*

LACACs, designation, and the community

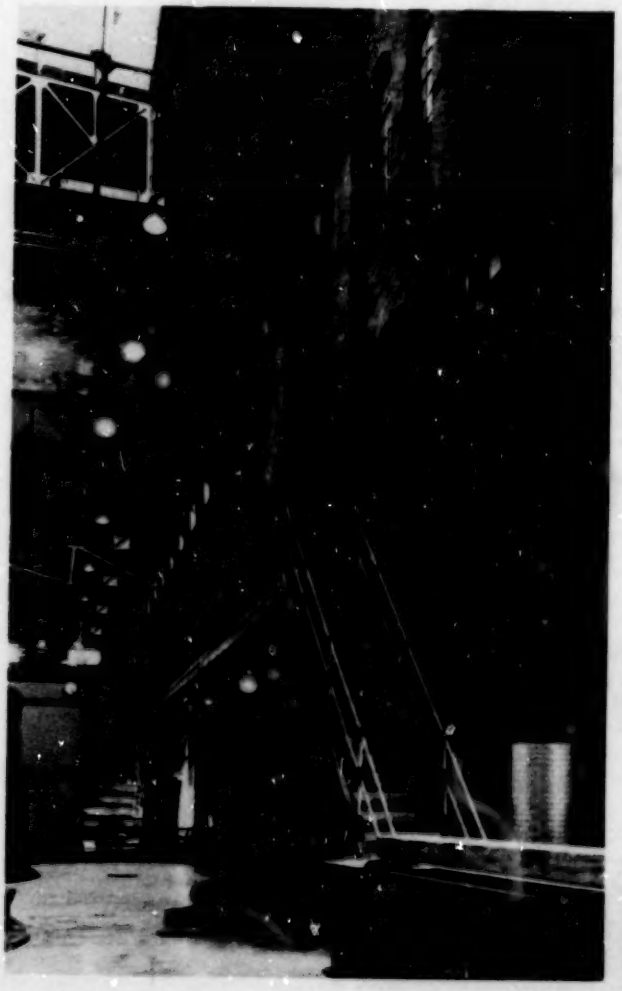
Officially, the purpose of the local architectural conservation advisory committee, the LACAC, is to advise and assist the municipal council on matters relating to the conservation of buildings of historic or architectural value and heritage conservation districts. In practice, the work of a committee involves a wide range of activities that can go far beyond simply recommending that specific properties be designated.

Many committees and their councils have begun active heritage conservation programs by examining all the properties and areas that may deserve protection now or in the future. The results of such a survey can make individual designation decisions easier and more reliable, and can show the community the value and importance of its architectural heritage.

The LACAC enables the community to express its interests in heritage conservation in a recognized forum. It also enables a municipal council to make occasionally complex decisions with reliable technical advice.

Local advisory committees are active in promoting heritage conservation within communities, and advising property owners on appropriate conservation and maintenance practices. In addition, LACACs often produce descriptive guides, exhibits and other educational material about their notable buildings, streets and districts, raising community and visitor interest in the distinctive and attractive qualities of their environment.

Given the basic requirement that they be interested in heritage conservation, the backgrounds and qualifications of LACAC members may, and do, vary. The more successful committees possess within their membership a breadth of skills in architectural and historical research, education and promotion, rehabilitation and restoration techniques, and business development. Representation from neighbourhood groups and individuals familiar with the community's heritage, including representatives from the municipal council or its staff, has also proven valuable.



Above right: Railway stations are both reminders of a great period of nation-building, and irreplaceable community landmarks. *(MCC files)*

For more information about evaluating heritage, see the ministry publication, "A Guide to Heritage Structure Investigations". In addition, the Canadian Inventory of Historic Building (Les Terrasses de la Chaudière, 10 Wellington St., Hull, Québec K1A 1G2) publishes two helpful booklets, "The Evaluation of Historic Buildings", and "Researching Heritage Buildings".

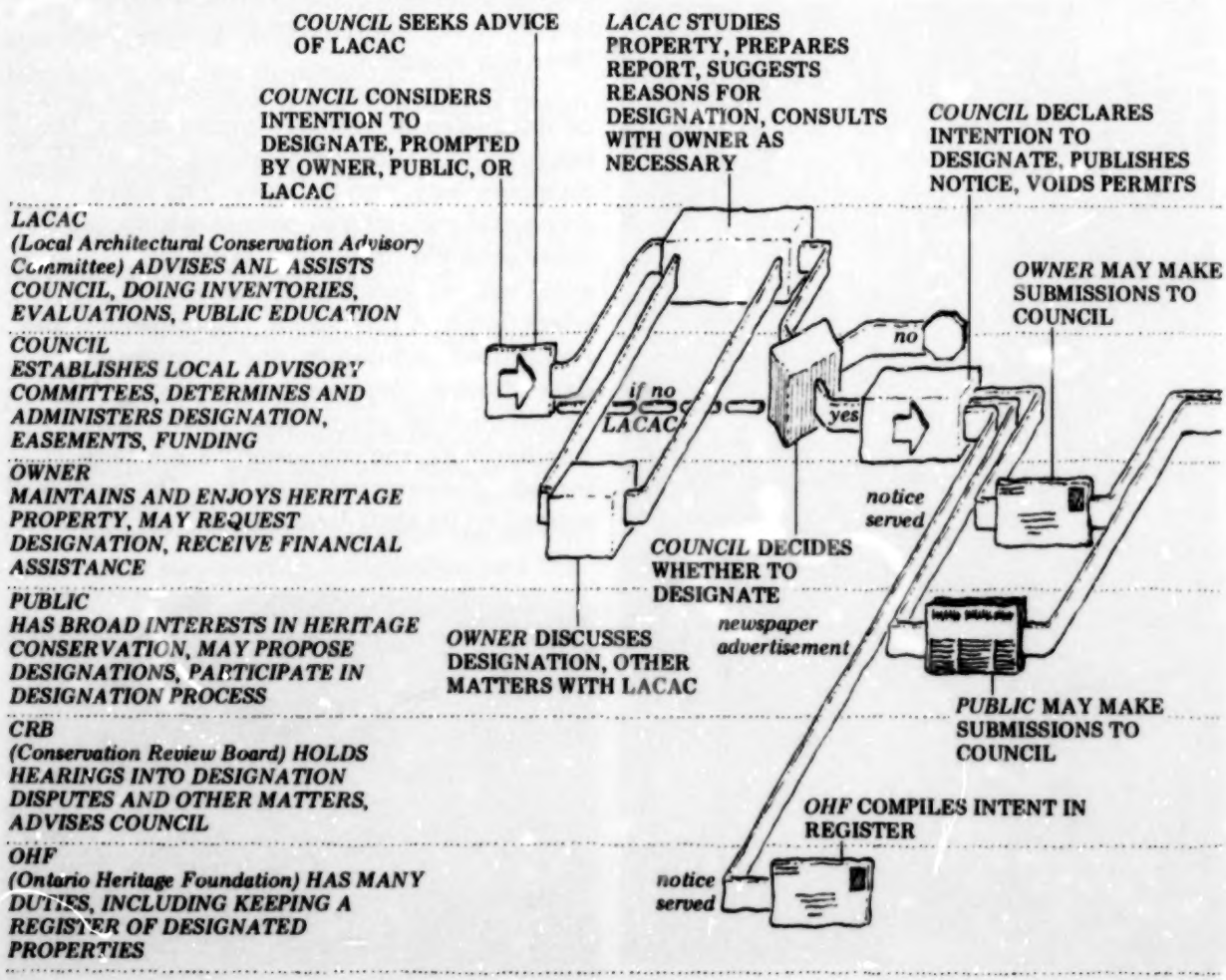
The designation process

Where a local advisory committee or its council becomes aware of a candidate for designation, following an architectural survey, a local planning study, a proposal by a group of citizens, or even an application by a property owner, specific information on that property's historic or architectural value must be gathered. Normally, this is the task of the LACAC.

At this time the owner is contacted, the property is researched and evaluated along the lines suggested above, and a statement is drawn up containing the reasons for designation. Informing and advising the owner at this early stage is especially important. The council should be presented with a report covering all of the historic or architectural values of the property to be designated.

Once the council accepts a LACAC recommendation to designate a property, it must inform the property owner and publish a "notice of intention to designate" in a local newspaper. Anyone objecting to the proposed designation must notify the municipal clerk in writing within 30 days of the initial appearance of the advertisement, setting out the reasons for the objection.

If there is no objection, the council is able to enact a by-law designating the property. Together with the reasons for designation (which should be as specific as

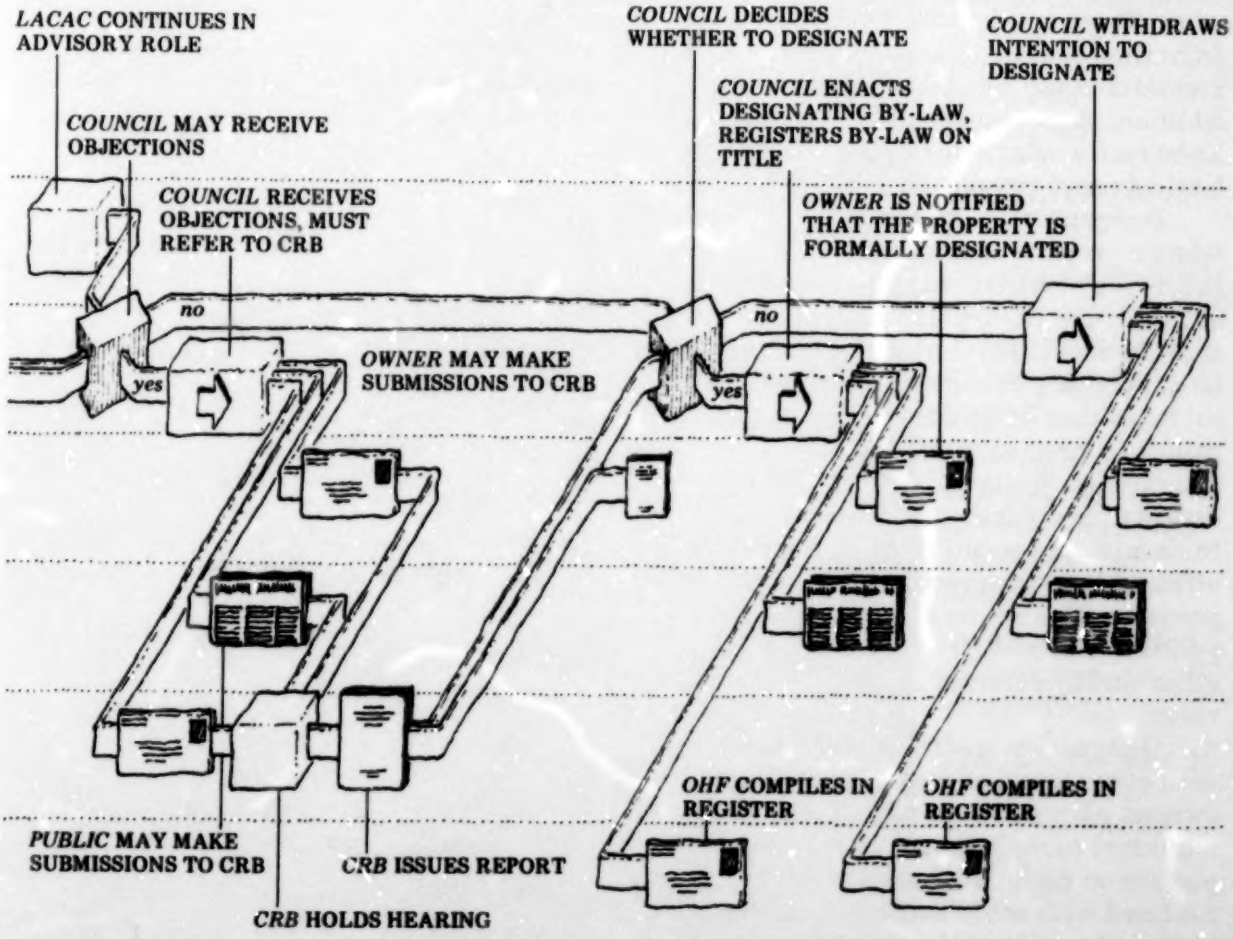

COUNCIL SEEKS ADVICE OF LACAC
LACAC STUDIES PROPERTY, PREPARES REPORT, SUGGESTS REASONS FOR DESIGNATION, CONSULTS WITH OWNER AS NECESSARY
COUNCIL DECLARES INTENTION TO DESIGNATE, PUBLISHES NOTICE, VOIDS PERMITS
COUNCIL CONSIDERS INTENTION TO DESIGNATE, PROMPTED BY OWNER, PUBLIC, OR LACAC
LACAC (Local Architectural Conservation Advisory Committee) ADVISES AND ASSISTS COUNCIL, DOING INVENTORIES, EVALUATIONS, PUBLIC EDUCATION
OWNER MAY MAKE SUBMISSIONS TO COUNCIL
COUNCIL ESTABLISHES LOCAL ADVISORY COMMITTEES, DETERMINES AND ADMINISTERS DESIGNATION, EASEMENTS, FUNDING
no
if no LACAC
yes
OWNER MAINTAINS AND ENJOYS HERITAGE PROPERTY, MAY REQUEST DESIGNATION, RECEIVE FINANCIAL ASSISTANCE
notice served
COUNCIL DECIDES WHETHER TO DESIGNATE
PUBLIC HAS BROAD INTERESTS IN HERITAGE CONSERVATION, MAY PROPOSE DESIGNATIONS, PARTICIPATE IN DESIGNATION PROCESS
newspaper advertisement
OWNER DISCUSSES DESIGNATION, OTHER MATTERS WITH LACAC
PUBLIC MAY MAKE SUBMISSIONS TO COUNCIL
CRB (Conservation Review Board) HOLDS HEARINGS INTO DESIGNATION DISPUTES AND OTHER MATTERS, ADVISES COUNCIL
OHF COMPILES INTENT IN REGISTER
OHF (Ontario Heritage Foundation) HAS MANY DUTIES, INCLUDING KEEPING A REGISTER OF DESIGNATED PROPERTIES
notice served

possible), copies of the by-law are then registered at the proper land registry office, served on the owner and on the Ontario Heritage Foundation, and published in a local newspaper.

In the event of an objection to a proposed designation, the council refers the matter to the Conservation Review Board, a provincial advisory body. The Board holds a public hearing in the municipality to hear the facts of the case, and reports its findings to the parties involved. Based on the Board's advice, the council may decide to go ahead with designation, or to withdraw its intention to designate.

Once designated, the property cannot be demolished without a long delay, or altered in any way that would jeopardize the heritage values recognized in the reasons for designation. Indeed, once the council proceeds with a notice of intention to designate, any existing permit to alter or demolish the property in question becomes void.

The Act allows for the designation of any real property, not merely buildings. Street furniture, outbuildings, landscape elements, bridges, engineering works, industrial structures, or any other immovable features may be designated if a community considers them valuable to its heritage.


LACAC CONTINUES IN ADVISORY ROLE
COUNCIL MAY RECEIVE OBJECTIONS
COUNCIL RECEIVES OBJECTIONS, MUST REFER TO CRB
COUNCIL DECIDES WHETHER TO DESIGNATE
COUNCIL ENACTS DESIGNATING BY-LAW, REGISTERS BY-LAW ON TITLE
COUNCIL WITHDRAWS INTENTION TO DESIGNATE
OWNER IS NOTIFIED THAT THE PROPERTY IS FORMALLY DESIGNATED
no
yes
no
yes
OWNER MAY MAKE SUBMISSIONS TO CRB
PUBLIC MAY MAKE SUBMISSIONS TO CRB
CRB ISSUES REPORT
CRB HOLDS HEARING
OHF COMPILES IN REGISTER
OHF COMPILES IN REGISTER

For more information about the designation process, consult your municipal clerk's office or a representative of your local advisory committee (LACAC). The Ministry of Citizenship and Culture publishes a comprehensive "Designation Handbook", as well as a handbook for municipal councillors, "Guidelines for Designation of Buildings of Architectural and Historic Importance".

The definitive statements in the Ontario Heritage Act are to be found in sections 26 to 32.

Caring for heritage properties

Owners of any properties recognized for their historic or architectural value, designated or not, should be proud of their contribution to the conservation of Ontario's heritage. If these resources deteriorate and disappear they can never be replaced. Designation, while providing some regulation of the alteration or demolition of heritage properties, in no way removes the need for their maintenance. The constant care of heritage properties by their owners is essential.

Designation does not require an owner to undertake the expense of restoring the property's heritage elements. Where features such as ornamental woodwork, panelled doors, original windows, and so on require restoration, it is up to the owner to do the work. There are, however, funds available from time to time to assist private restoration and rehabilitation initiatives. In addition, there is often able technical assistance available for this work through local advisory committees.

Designation continues to be in effect when a property changes hands. It does not in any way restrict change of ownership, although the Ontario Heritage Act requires that the municipal clerk be informed within 30 days of any change. There is little evidence that designation affects the market value of a property, either adversely or beneficially. While the existence of a designating by-law may appear in some eyes to restrict ownership rights, the same by-law often adds to the prestige value of a property. There is no accepted rule about the general effects of either of these, or any other similar external influence, on market value.

Designation is often directly associated with other forms of recognition. With the owners' permission, some LACACs and municipal councils mount commemorative plaques on designated properties (not to be confused with other markers that denote historical events or the sites of former buildings). The production of tour guides and exhibits to promote community awareness of heritage tends to involve owners of designated properties as well. Property owners and heritage groups have co-operated successfully in organized tours of "heritage homes", permitting the community to better appreciate its heritage (and sometimes to raise funds for community improvement).

Of course, designation does not enable public access to private property without the owner's consent.

Owners of designated properties should be aware that while the Ontario Heritage Act does not impose weighty responsibilities upon them, any contravention of the Act may result in fines or imprisonment. In cases of illegal alterations a municipal council is authorized by the Act to restore altered properties and recover the costs from the owner.

Above: Some parts of buildings, especially roofs, are meant to wear out over time; when they do, the best practice is to replace them with the same materials and techniques used originally. *(MCC files)*

DESIGNATION DOES:

recognize and reinforce the cultural value and community appreciation of heritage properties;

provide protection against inappropriate changes to heritage properties, and hinders demolition;

enable access to government programs of financial assistance.

DESIGNATION DOES NOT:

impose obligations or expenses beyond those expected of any property owner;

restrict the use of a property, or prohibit building alterations or additions;

forbid demolition of heritage properties;

restrict the sale of a property, or affect its resale value.

Above: The special care sometimes needed to return a facade to its former impressiveness is invariably repaid with a result that cannot be produced by new construction, at any price. *(MW Fram)*

Specific information about restoration and rehabilitation techniques and good conservation practices is available through LACACs, from specialized organizations, and from a rapidly growing and readily available stock of books and magazines.

Traces and remembrances of the past, landmarks for today and tom

The variety of buildings, structures, ensembles, and even complete landscapes that embody our heritage, and give us a firm sense of belonging in and to the environment, is almost limitless.

rrow. . .

It includes ruins and cemeteries in the countryside (*top left*), gasworks and factories in the city (*middle left*), bridges and the valleys they cross (*bottom left*), high-style masonry craftsmanship in metropolitan downtowns (*centre*), vernacular traces of pioneering in areas at the fringe of settlement (*top right*), and the architectural embroidery that graces every Ontario community (*bottom right*).

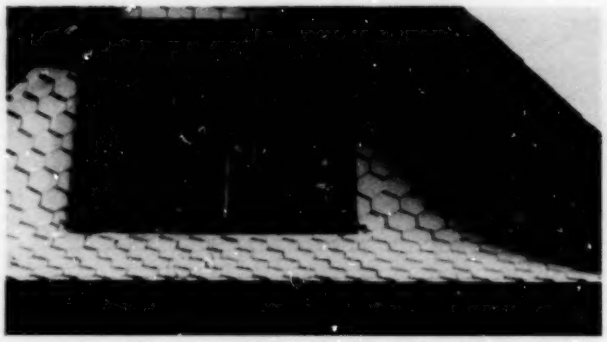
(photos, in order, by MCC files, MW Fram, C Priamo, MW Fram, MCC files, JJG Blumenson)

Altering a designated property

Designation does not prohibit alterations to a property. Indeed, alterations that restore or rehabilitate heritage features of a property are encouraged. Designation simply provides a process to ensure that changes respect the heritage value of what exists.

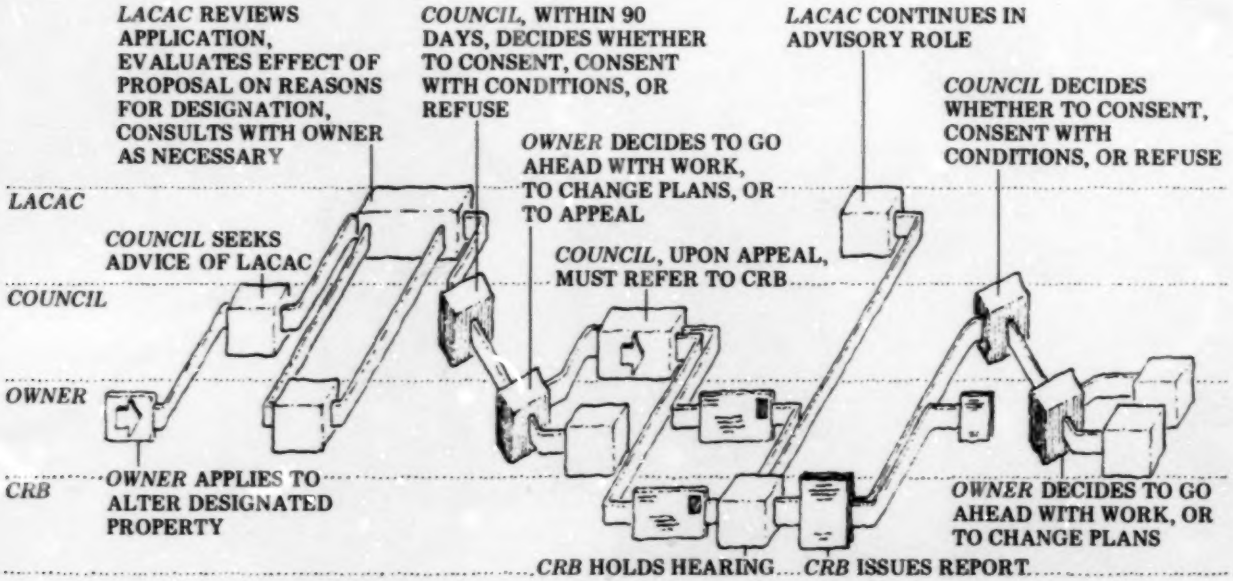
In practice, the owner of a designated property is not permitted to alter that property in a way that is likely to affect the reasons for designation without first obtaining the consent of the municipal council. An application for such consent normally contains detailed plans and specifications for the proposed work, so that the council, usually with the advice of the LACAC, can see how the work will fit with what exists. The council must decide on the application within 90 days. If it consents to the application, or if it makes no decision at all, the owner is able to go ahead with the planned work, as long as other applicable building regulations have been satisfied.

If the council refuses the application, or consents upon terms and conditions found unacceptable, the owner is entitled to appeal to the Conservation Review Board. As in the case of a disputed designation, the Board holds a public hearing in the community and reports its findings to the parties involved.



Based on the Board's advice, council may maintain or modify its position on the proposed alterations.

Most designations are based on the external appearance of a property, and in these cases interior work would not require review. But reasons for designation are often very broad, tending to refer to general matters of architecture or historical association rather than the specific building elements to be restored or rehabilitated. In these cases the experience and knowledge of the local advisory committee becomes most valuable. Its help to the owner in assessing the heritage value of the property and appropriate treatments and techniques for its conservation may well be far more important than its advice to the council.


LACAC REVIEWS APPLICATION, EVALUATES EFFECT OF PROPOSAL ON REASONS FOR DESIGNATION, CONSULTS WITH OWNER AS NECESSARY
COUNCIL, WITHIN 90 DAYS, DECIDES WHETHER TO CONSENT, CONSENT WITH CONDITIONS, OR REFUSE
LACAC CONTINUES IN ADVISORY ROLE
COUNCIL DECIDES WHETHER TO CONSENT, CONSENT WITH CONDITIONS, OR REFUSE
OWNER DECIDES TO GO AHEAD WITH WORK, TO CHANGE PLANS, OR TO APPEAL
LACAC
COUNCIL SEEKS ADVICE OF LACAC
COUNCIL, UPON APPEAL, MUST REFER TO CRB
COUNCIL
OWNER
CRB
OWNER APPLIES TO ALTER DESIGNATED PROPERTY
OWNER DECIDES TO GO AHEAD WITH WORK, OR TO CHANGE PLANS
CRB HOLDS HEARING
CRB ISSUES REPORT

Above: While maintaining the heritage value of the house, an existing window has been carefully altered to conserve energy. *(MW Fram)*

More information about the alteration approval process may be found in the "Designation Handbook", and in section 33 of the Ontario Heritage Act.

Controlling demolition

Designation does not permanently prohibit demolition. It requires that an owner obtain a permit to demolish or remove a building on a designated property. In the course of the process required for the permit, a municipal council has opportunities to explore with the owner courses of action other than demolition.

Upon receipt of an application for demolition or removal, the council has 90 days in which to consult with its LACAC and decide whether to consent to the application or refuse it. If the council consents, or if it makes no decision, demolition may proceed, subject to any other regulations covering demolition in general. If the council refuses the application, no demolition or removal may take place for at least 180 days.

This period of time offers the council, with the aid of the LACAC and other concerned citizens, an opportunity to seek means to conserve the threatened structure. Depending on the circumstances, there are several approaches that may prove successful:

☐ Convince the owner to change plans, through persuasion that the heritage importance of the building is irreplaceable, must be maintained, and will be a worthy asset in any development or use of the site.

☐ Suggest alternate uses for the building or the property.

☐ Offer assistance in integrating the heritage property within some larger scheme.

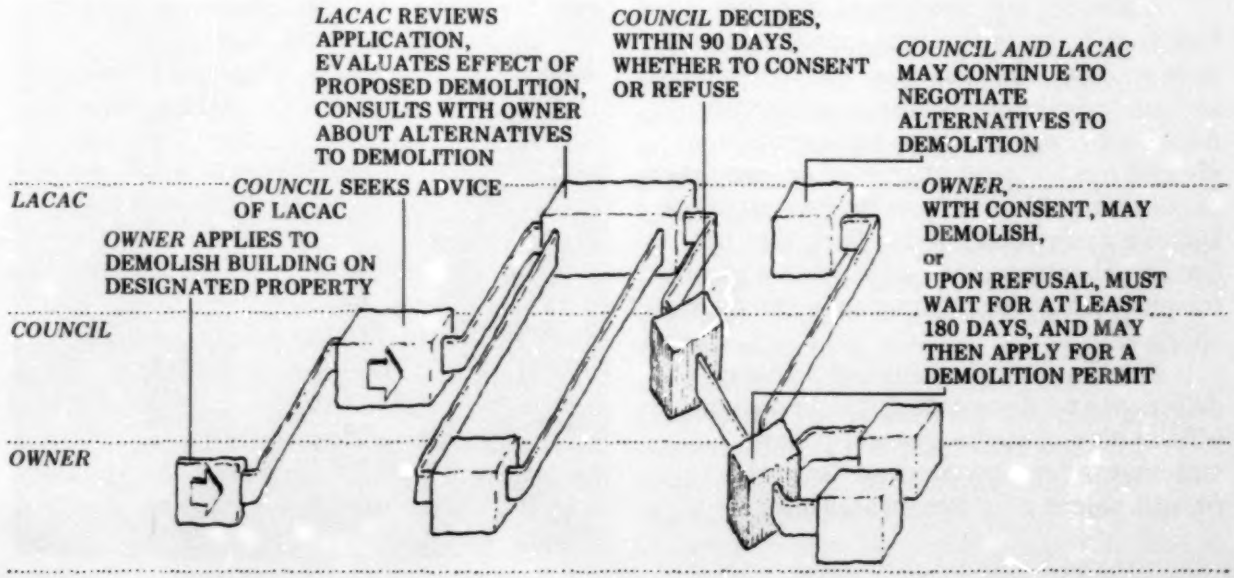
☐ Seek involvement of the Ontario Heritage Foundation, especially with a view to the potential tax advantages available to the owner as a donor of property to the Foundation.

☐ Persuade the owner to sell the heritage property to the municipality or a purchaser who will conserve it.

☐ Expropriate the property.

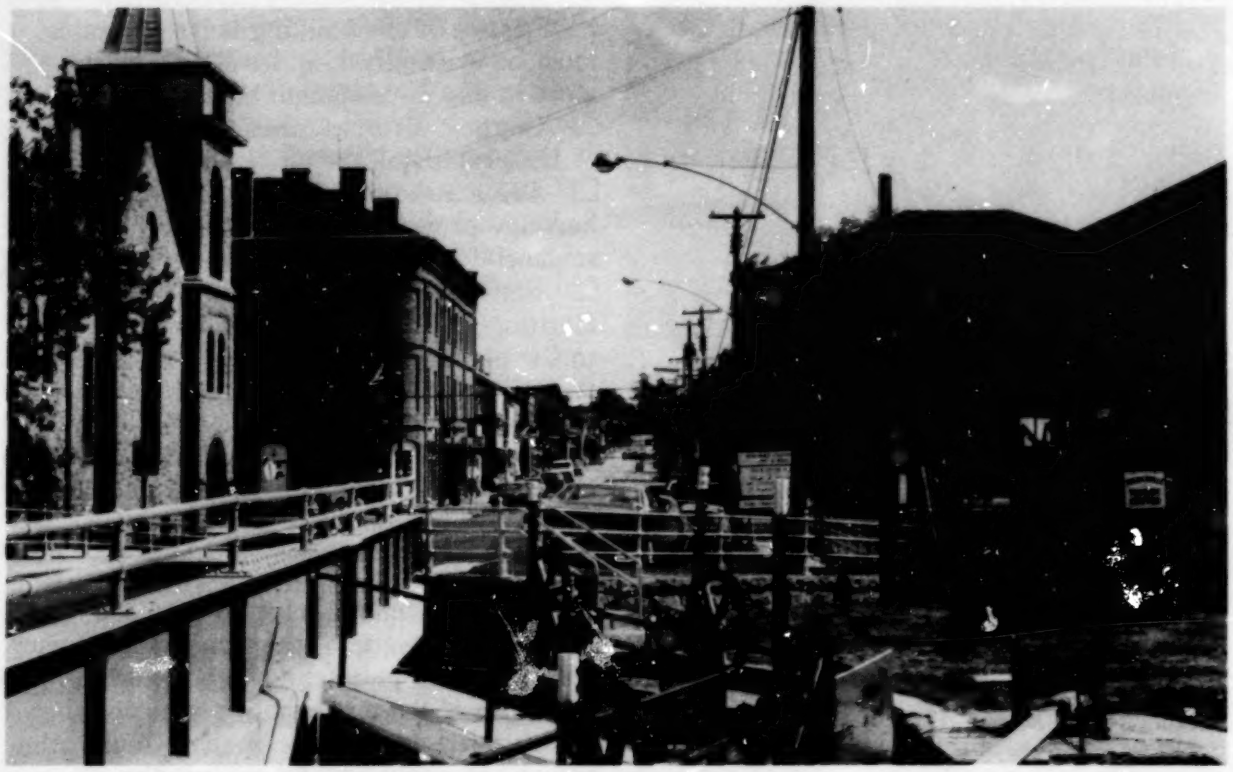
If no reasonable solution has been reached at the end of this time, if the owner will not agree to extend the negotiating period, or if the municipality or some other sympathetic purchaser cannot be found, the owner can apply for and receive the requisite demolition permits.

Owners should understand that as soon as the council proceeds with a notice of intention to designate a property, any existing demolition permit becomes void.


LACAC REVIEWS APPLICATION, EVALUATES EFFECT OF PROPOSED DEMOLITION, CONSULTS WITH OWNER ABOUT ALTERNATIVES TO DEMOLITION
COUNCIL DECIDES, WITHIN 90 DAYS, WHETHER TO CONSENT OR REFUSE
COUNCIL AND LACAC MAY CONTINUE TO NEGOTIATE ALTERNATIVES TO DEMOLITION
LACAC
COUNCIL SEEKS ADVICE OF LACAC
OWNER, WITH CONSENT, MAY DEMOLISH, or UPON REFUSAL, MUST WAIT FOR AT LEAST 180 DAYS, AND MAY THEN APPLY FOR A DEMOLITION PERMIT
OWNER APPLIES TO DEMOLISH BUILDING ON DESIGNATED PROPERTY
COUNCIL
OWNER

More information about the demolition control process may be found in the "Designation Handbook", and in section 34 of the Ontario Heritage Act.

Heritage conservation districts



A heritage conservation district is an aggregate of buildings, streets and open spaces that, as a group, is a collective asset to a community in precisely the same way that an individually designated property is valuable to that community.

A district may comprise but a few buildings or an entire municipality. It may have architectural, historic, scenic, even archaeological aspects worth conserving. Above all else, a heritage conservation district has a special character or association that distinguishes it from its surroundings. District designation under Part V of the Ontario Heritage Act can provide a means for protecting that character in the course of change.

Part V of the Act enables a council to delineate and designate districts once its official plan contains general policy statements for that purpose. Once the council passes a by-law establishing its intent to designate a specific district, it undertakes, with the advice of its LACAC and other involved groups and individuals, an analysis of the area's physical, social and economic conditions. The resulting plan is implemented by a further by-law, as is the case for other municipal planning matters.

District designation enables the community to embark on several courses for the district's conservation and improvement. The council may control alterations and proposed demolitions throughout the district in a fashion similar to that for individual properties under Part IV of the Act. The compatibility and design of new construction may be reviewed and regulated by council more rigorously than is permitted under the Planning Act. Designation may also serve as a focus for other parallel community renewal efforts, including changes in restricted area by-laws and the like, improvement of public works and open spaces, establishment of

Above: The centre of Merrickville is a good example of a well-defined concentration of distinctive architecture whose value as a district is even greater than the sum of its admittedly fine individual buildings. *(MCC files)*

Opposite top: Heritage conservation districts need not necessarily be urban; unique groupings of buildings and landscapes may make good districts anywhere. *(JJG Blumenson)*

Business Improvement Areas, and participation in other provincial programs such as those for downtown revitalization and neighbourhood rehabilitation. In addition, designation may make areas eligible for special financial assistance when it is available.

Just as heritage properties of individual importance vary widely across Ontario, so do districts. Because it is impossible to specify precise rules to encompass this variety, each candidate district deserves special treatment. The reward for this care is the conservation of complete environments as congenial places to live and work, and attractive places to visit.

Middle: Districts can cover important public spaces as well as their surrounding buildings. *(MCC files)*

Bottom: Planning for a district can go hand in hand with downtown revitalization and business improvement programs. *(MCC files)*

More information about heritage conservation districts may be found in guidelines issued by the Ministry of Citizenship and Culture, and in sections 40 to 46 of the Ontario Heritage Act.

Archaeology and building conservation

Archaeology concerns itself with artifacts and other material evidence of the past. This evidence may include tools, weapons, fragments or traces of building materials, domestic utensils, art objects, industrial machinery, human or animal remains, rock art or structures, foundations of former structures, or any object or place modified by human activity. Analysis and understanding of this material and its context give us valuable and irreplaceable information, unavailable in any other fashion, about human interaction with the environment over long periods of time.

Archaeological evidence usually lies hidden from view: underwater, beneath the ground, or even behind the walls of buildings. During the course of rehabilitation, restoration, or any other building activity, chance discovery of archaeological evidence is not unusual. Conserving the value of this evidence requires very careful recording of the actual location, condition and context of specific artifacts as well as care in the retrieval and storage of the artifacts themselves. The various aspects of archaeological conservation, whether historic or prehistoric (with or without corresponding documentary records), private or public, are regulated under Part VI of the Ontario Heritage Act.

The practice of archaeology requires special knowledge about artifacts themselves, techniques for their protection, and methods of analyzing and understanding their significance. The Act provides that workers in this field be licenced by the province for the type of work they wish to undertake. While most archaeological research proceeds according to a prepared plan and schedule, it may often be possible to get the advice of a qualified worker on short notice in the event of a chance discovery.

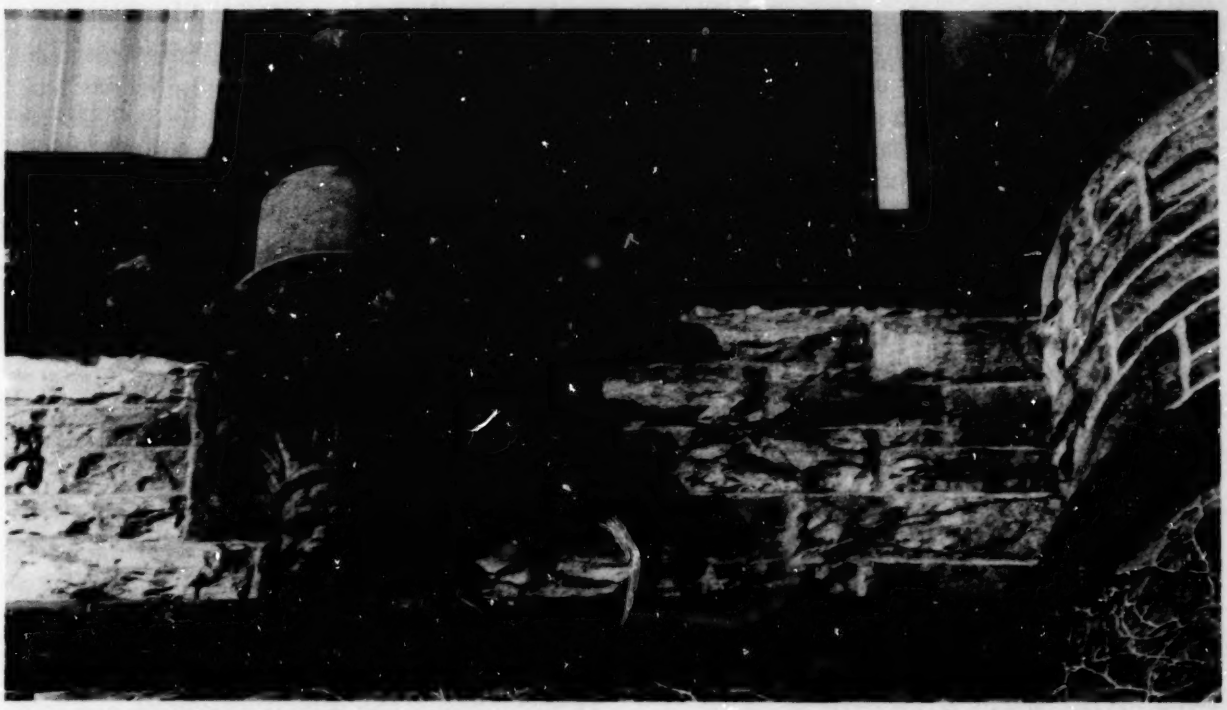
Particularly sensitive are the shorelines of lakes and rivers, and areas known to have been shorelines at some time in the past, such as sand or gravel pits. Prehistoric cultures used these zones quite intensively. In more recent times they have been locations for initial settlement and early industrial development. Long-used agricultural landscapes are often areas of similarly high potential for archaeological finds.

Where artifacts or traces of previously unknown structures are turned up in the course of any exploration or construction work, it is best to contact the office of the nearest Regional Archaeologist of the Heritage Branch of the Ministry of Citizenship and Culture. There are offices in London, Toronto, Ottawa, Sault Ste. Marie, Thunder Bay and Kenora, each listed in the blue pages of the local telephone directory.

Above: **There is usually much of archaeological importance hidden around venerable buildings; knowledgeable exploration of these places may even provide important information for work on the building itself.** *(MCC files)*

For more information about archaeology in general, see the ministry publication, "Archaeological Conservation in Ontario". Archaeological licensing procedures are set out in sections 48 to 51 and 65 to 66 of the Ontario Heritage Act; the provincial designation and regulation of archaeological sites is covered by sections 52 to 64 of the Act.

Heritage conservation easements



A heritage easement is a legal agreement between the owner of a heritage property and some public agency responsible for heritage conservation, allowing the owner to retain possession and use of the property while ensuring its preservation. The agreement gives that agency a legal interest in the property's conservation and is registered on the title to the property. The public agency may be the Ontario Heritage Foundation (a province-wide body) or a municipal council, and either of these may assign an easement to a local heritage group or other similar custodian.

Heritage easements are voluntary agreements, distinct from designation under municipal by-law (although the same property can be protected by both easement and designation). Easements provide much stronger protection against demolition of heritage structures. In the case of certain types of property, especially open space, designation is impracticable and a heritage easement may be the only satisfactory protective measure short of outright purchase. Easements are also more comprehensive than designation, enabling specific agreement on maintenance, insurance, repair of damages, and so on.

Being a less-than-fee-simple interest in real property, an easement can achieve the protection of a heritage property at a fraction of the cost of outright purchase. For example, by donation or in return for specific compensation, an owner may agree to preserve and maintain the exterior of a structure and certain outbuildings or landscaping vital to the historic or architectural importance of that property. The easement runs with the title to the property, affecting all subsequent owners. The owner continues to use and enjoy the property, and the heritage features remain part of the community rather than a governmental responsibility.

In many cases the donation of an easement conserving a heritage property entitles its owner to significant tax advantages.

Above: Where owners and communities agree to take positive action, heritage easements can be used to guarantee the care and protection of the most valuable and irreplaceable examples of our architectural heritage. *(MW Fram)*

More information about easements may be found in the ministry publication, "Heritage Conservation Easements".

Financial assistance

Normal upkeep and maintenance are the responsibilities of every owner of property. Heritage properties may on occasion require more intensive care than more recent construction, but that is as well the responsibility of the individual owner. Nevertheless, where owners of properties recognized for their heritage importance are faced with extraordinary repair or restoration costs, there may be a need for some form of public aid in recognition of the community's interest in maintaining the value of that heritage. Normally, designation serves as the standard that makes heritage properties eligible for public financial assistance.

The Ontario Heritage Act enables municipalities to provide grants or loans to owners of designated properties for building conservation work. The Act also provides for the municipal acquisition, or, subject to the Expropriations Act, expropriation of a designated property where its preservation is essential and no alternative is available.

The Ontario Heritage Foundation, an agency of the Ministry of Citizenship and Culture, supports and promotes the understanding and conservation of many features of Ontario's heritage. Among its programs is the provision of financial assistance, through grants and loans, to encourage conservation of important heritage buildings. Foundation funds are normally offered in exchange for a heritage easement. The Foundation has also received gifts of property which it conserves and holds in trust for the people of Ontario.

From 1981 through 1986, the Building Rehabilitation and Improvement Campaign (BRIC) is making available funds for heritage conservation to match private or municipal contributions, depending on the individual programs. The Designated Property Grant is available for work on any designated property; the Corporate Sector Grant is available for work on designated properties of a commercial or industrial nature. There are also BRIC programs to supplement municipal funds for conservation.

Non-profit community groups contemplating the rehabilitation or restoration of heritage properties may be eligible for capital funds to aid this work from other sources, such as other ministries and levels of government, private foundations, or corporate donors. Capital projects of this sort can be very attractive to such sponsors, providing public credit in an economical fashion.

For information about the BRIC Designated Property Grant, contact your municipal clerk's office. For information about the Corporate Sector Grant and other BRIC programs, contact the Heritage Branch.

Information and advice

Where a local architectural conservation advisory committee (LACAC) exists, it is the best immediate source for information and advice, especially on designation, small-scale technical matters, and municipal grants (including the BRIC Designated Property Grant). Most LACACs are accessible through the municipal clerk's office. Other helpful groups, such as local historical societies and branches of the Architectural Conservancy of Ontario are often closely associated with LACACs. Even a local museum may serve as a useful starting point for information and other contacts.

The Heritage Branch of the Ministry of Citizenship and Culture supports and provides advice to a wide range of heritage activities, including historical research, education and promotion, archaeological protection and research, and the conservation of buildings, structures and landscapes as described in this primer. Among other things, the Branch provides help in establishing LACACs, technical advice on conservation for LACACs and projects supported by the ministry or the Foundation, information on provincial programs aiding heritage conservation (including the BRIC programs), and guidance on the evaluation and conservation of heritage features in municipal and environmental planning.

Heritage Branch
Ministry of Citizenship and Culture
77 Bloor Street West
Toronto, Ontario
M7A 2R9
Telephone (416) 965-4961

Information of a general nature may also be available from the nearest regional office of the Ministry of Citizenship and Culture, listed in the blue pages of local telephone directories. In addition, Branch publications dealing with some of the details of designation and evaluation are available through the Ontario Government Bookstore.

The Ontario Heritage Foundation provides advice in response to inquiries about its programs, including funding assistance, acceptance of charitable donations of real and personal property, and heritage conservation easements.

Chairman
Ontario Heritage Foundation
77 Bloor Street West
Toronto, Ontario
M7A 2R9
Telephone (416) 965-9504

Additional copies of this primer are available for $1.00 at the Ontario Government Bookstore, 880 Bay Street, Toronto; or by mail from MGS Publications Services, 5th Floor, 880 Bay Street, Toronto, Ontario M7A 1N8. In Toronto, call 965-6015; from other communities call toll-free 1-800-268-7540; from area code 807 ask the operator for Zenith 67200.

Published by the Ministry of Citizenship and Culture, Province of Ontario, Toronto, Canada

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D1454 3/84 10M
ISBN 0-7743-9083-2

Ministry of Citizenship and Culture
Ontario

Susan Fish
Minister